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10 Attorneys for Plaintiffs MAURICE BRIGHAM and LANCE ORTLAND,  
11 and all others similarly situated

12 **UNITED STATES DISTRICT COURT**  
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
14 **SAN FRANCISCO DIVISION**

15 MAURICE BRIGHAM and LANCE      } Case No. 3:10-cv-03886-SI  
16 ORTLAND, individually, and on behalf }  
17 of all others similarly situated,      }  
18 Plaintiffs,      }  
19      }  
20      vs.      }  
21 DEPUY ORTHOPAEDICS, INC., an      }  
22 Indiana Corporation; JOHNSON &      }  
23 JOHNSON SERVICES, INC., a New      }  
24 Jersey Corporation; and DOES 1-100,      }  
25 inclusive,      }  
26 Defendants.      }  
27  
28

1 TO THE HONORABLE COURT AND TO ALL PARTIES AND THEIR  
2 ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE that Plaintiffs submit Notice of and hereby lodge  
4 Order in Related Action (MDL 2197 Tag-Along), in *Cathy Rutherford v. DePuy*  
5 *Orthopaedics, Inc. et. al.*, Northern District of Alabama Case No. 5:10-cv-02725-  
6 IPJ, dated December 1, 2010, attached hereto as Exhibit "A."

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9 Dated: December 2, 2010

Respectfully submitted,



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# EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION**

CATHY RUTHERFORD,

Plaintiff,

vs.

CASE NO. CV-10-J-2725-NE

DUPEY ORTHOPEADICS, INC.,  
et al,

Defendants.

**ORDER**

The plaintiff having filed a motion for protective order (doc. 16) and the court having considered said motion and being of the opinion said motion is due to be granted in part and denied in part;

It is therefore **ORDERED** by the court that said motion be and hereby is **GRANTED** to the extent that defendants or their employees, agents, or representatives are prohibited from (1) directly or indirectly engaging in any and all ex parte communications with or interviews of plaintiff's treating physicians or doctors; and (2) directly or indirectly requesting and/or obtaining plaintiff's medical records from her treating physicians or doctors except through regular and normal discovery methods permitted under the Federal Rules of Civil Procedure and/or under judicial supervision.

It is further **ORDERED** by the court that said motion be and hereby is **DENIED** to the extent that the court cannot prohibit the defendants or their employees, agents, or representatives from directly, or indirectly, engaging or compensating attorneys to represent non-defendant treating physicians, as non-parties are outside of this court's jurisdiction.

The court further **DENIES** said motion to the extent that the plaintiff seeks to have the court prohibit defendants or their employees, agents, or representatives from improperly influencing the testimony of non-defendant treating physicians. However, such conduct would be in violation of the oath each attorney must take when admitted to practice law before the United States District Court for the Northern District of Alabama.

**DONE** and **ORDERED** this the 1<sup>st</sup> day of December, 2010.



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INGE PRYTZ JOHNSON  
U.S. DISTRICT JUDGE